

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirm. No.: 3670

ZIMMERMANN, G. et al.

Atty. Ref.: 4114-8

Serial No. 10/674,791

TC/A.U.: 2681

Filed: October 1, 2003

Examiner: Cai, W.H.

For: METHOD AND DEVICE FOR CONTROLLING  
FREQUENCY SELECTION WITHIN A WIRELESS  
COMMUNICATION SYSTEM

\* \* \* \* \*

July 11, 2007

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## **REQUEST FOR RECONSIDERATION**

Responsive to the Official Action dated April 26, 2007, please favorably consider the following comments pertaining to patentability of the claims:

Applicants respectfully but strongly submit that the Examiner's interpretation of the Kobayashi reference is incorrect.

Specifically, Applicants see no disclosure in the Kobayashi reference concerning the assessment of plural frequencies with respect to the presence of a radar interference signal. This deficiency has been previously mentioned in the Amendment remarks of 21 November 2006, i.e., that paragraphs [0184], [0187], and [0203] of Kobayashi cited by the Examiner in relation to this feature generally refer to a single communication channel and the determination whether this communication channel is impaired by an interfering radar wave. In the context of Applicants' claim, the communication channel taught in the

Kobayashi reference has to be equated with a single one of the plural frequencies recited in the independent claims. Consequently, and in contrast to the Examiner's point of view, the Kobayashi reference fails to disclose the step of assessing plural frequencies.

Since the Kobayashi reference remains silent as to the assessment of plural frequencies, a further, logical gap of disclosure of the Kobayashi reference relates to the selection of one or more frequencies out of the plural frequencies (step c) of pending claim 23. Paragraphs [0188] and [0189] of Kobayashi relied upon by the Examiner in relation to this feature teach to either transmit or to not transmit on the (single) communication channel depending on the state of an idle signal (IS signal). Clearly, this selective transmission on a single communication essential details of steps a) and c) of pending claim 23.

If the Examiner, after consideration of these comments, still has difficulties appreciating differences between Applicants' claim and Kobayashi, the Examiner is kindly requested to contact the undersigned for a telephone interview which Applicants now request.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

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**Atty Dkt:** 4114-8  
**Art Unit:** 2681

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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